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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 001435

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SUBJECT: PM DEUBA SAYS LOCAL POLLS TO FOLLOW NATIONAL ELECTIONS

REF: KATHMANDU 1387

Classified By: Ambassador Michael E. Malinowski, Reasons 1.5(b),(d)

1. (C) Summary. Nepal's Prime Minister Deuba briefed donors July 23 on preparations for upcoming elections and efforts to manage local-level government bodies in the absence of elected representatives. Deuba said rolling local elections into the national elections slated for November was impractical, but the new Parliament would schedule local elections as soon as it was seated early next year. Nepal welcomed international election monitors and human rights groups as well as foreign assistance in both fields, the PM said. A mission from Brussels recently visited Kathmandu to prepare a report for the EU on Nepal's elections; the mission found that EU involvement would be useful, but held off from making a definitive judgement for want of detailed information about election arrangements. End Summary.

Deuba Answers Donor Concerns on Elections, Local Bodies

2. (SBU) Prime Minister Sher Bahadur Deuba, addressing a July 23 briefing for donors on Nepal's new budget, commented on preparations for upcoming national elections and his decision to allow the terms of locally elected officials to lapse. Querying Deuba, some donors expressed concerns about the dissolution of local bodies, stressing the need to work with local governments to implement development programs.

Deuba: No Mandate to Extend Local Bodies

3. (C) Donors urged Deuba to hold local elections as quickly as possible so that these bodies could be reconstituted. Deuba responded that after consulting with legal experts he concluded that the head of an interim government did not have a mandate to extend the tenure of local officials. Moreover, he had concerns that local bodies could misuse development funds for election purposes. In 1995, Deuba stressed, the local bodies--mostly controlled by the Communist Party of Nepal-United Marxist-Leninist (CPN-UML)-- did exactly that. Deuba later noted that the CPN-UML was the only party pushing for reconstituting and extending the terms of local bodies.

Working with Opposition to Create Local Administration

4. (C) At present, Deuba's caretaker government is holding talks with other political parties, especially the CPN-UML, on how to deliver services in the absence of local officials.

The talks have focussed on ways to create mechanisms to prevent partisan politics from taking over local bodies. Deuba hopes these plans could be endorsed within the week, and result in the transparent political structure he says is needed to run local governments.

Combining Local and National Elections Not Practical

5. (SBU) Holding local elections concurrently with the upcoming national elections would not be practical, Deuba explained. Nepal has 4000 villages and municipalities, each divided into nine wards. Concurrent elections would be complicated and "confusing," and demand much higher security arrangements. (Note: Deuba's comments on combining the elections track with the assessment of civil servants in the Local Development Ministry, who briefed us July 17 on the complications of holding concurrent elections (Reftel). End Note.)

New Parliament to Set Local Elections

6. (SBU) Based on national elections slated for November, the new Parliament will convene in January or February 2003. At that time the Parliament will set a date for local elections, which under the constitution must be held within a year of the date on which the former local body terms lapsed. The new Parliament will also have to endorse the new budget ordinance, Deuba added.

PM Welcomes Election Monitors

17. (SBU) Deuba acknowledged the need for international monitors to observe Nepal's upcoming elections, and indicated that their presence would be welcome.

EU Election Mission Undecided on Aid

18. (C) An EU mission visited Kathmandu recently to prepare a report on the possibility of EU funding for Nepal's upcoming elections. (Note: Poloff and USAIDOff met with the mission on July 19. End Note.) British Emboff (Protect) briefed Poloff on the mission's as-yet-unreleased findings. The mission held back from reaching a definitive judgement on whether to support the elections due to what it labeled a lack of information, and specifically a paucity of specific details about polling arrangements and the effect that phasing the elections would have on security plans. The mission did conclude however, that EU support would be useful and would help curtail fraud.

19. (C) In its findings the mission described concerns with the party registration process at the National Election Commission (NEC) and with the NEC's complaints process. An ordinance requiring voters to show government-issued identification cards was also problematic, as reportedly few Nepalis in rural areas have them. Restrictions on freedom of movement and difficulty of access to media could also affect the viability of the election, the mission concluded.

110. (C) The EU supported the use of local election monitors but would not fund them because they would inevitably be "highly politicized. The mission also expressed concerns about the security of EU staff in Nepal. Obstacles to EU support of Nepal's elections included the lack of a implementation partner (the EU was disinclined to fund UNDP efforts) as well as the fact that so far the EU has not been formally invited to help with the elections.

PM: Human Rights Abuses Will Be Investigated

111. (C) Asked at the July 23 donor briefing about progress on human rights, PM Deuba replied that the Maoists were engaged in acts of "terrorism against democracy." He pledged that all reports of human rights abuses would be investigated and action would be taken to correct any mistakes made by government forces. Nepal welcomed training and assistance in the area of human rights, and Deuba specifically mentioned recent U.S. and U.K. aid in that field, including to the Royal Nepalese Army (RNA). Nepal had its own National Human Rights Commission, which was free to travel around and conduct investigations. International human rights groups were also welcome to come to Nepal to investigate, Deuba stated. He added that an agreement between the GON and ICRC would be concluded soon.

Comment

112. (C) Deuba's July 23 comments attempted to put to rest growing donor displeasure over the decision to allow the terms of locally elected officials to expire. Although the lack of incumbents in local offices will indeed greatly complicate many development projects, both existing and proposed, Deuba appeared serious about developing alternative mechanisms to fill the vacuum. His comments on election assistance and human rights were also welcome. As the EU election mission found, however, Nepal needs to continue to work hard to lay the groundwork for future foreign aid.
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